

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

SCOTT HAYNES,) Case No.
)
Plaintiff,) **COMPLAINT**
)
vs.)
)
ALLIED INTERSTATE, INC.,)
)
Defendant.)
)

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Scott Haynes, is a natural person residing in the State of Washington, County of Tacoma, and City of Olympia.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

5. Defendant Allied Interstate, Inc. is a corporation engaged in the business of collecting consumer “debts” as defined by 15 U.S.C. §1692(a)(5) by use of the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one hundred twenty days preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA in multiple ways, including but not limited to:

- a. Failing to validate the debt at the time of initial contact and/or in writing within five days thereafter (§1692g(a);

- b. Failing to cease communications after being directed to do so by Plaintiff (§1692(c)(C);
- c. Failing to provide meaningful disclosure of the caller's identity (§1692(d)(6);
- d. Failing to disclose in the initial communication the alleged debtor has thirty days to dispute the debt (§1692(g);
- e. Making false and misleading representations regarding the character and status of the debt (§1692(e)(2));
- f. Threatening to take legal action that cannot be taken (§1692(e)(5)
- g. Overshadowing Plaintiff's right to dispute the debt by stating it will be placed on his credit report during the initial 30 days after the first communication (§1692(g)).

8. Defendant's aforementioned violations of the FDCPA also constitute an invasion of Plaintiff's right to privacy, causing injury to Plaintiff's feelings, mental anguish and distress.

IV. PRAYER FOR RELIEF

9. As a result of the above violations of the FDCPA and invasion of privacy, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

V. JURY DEMAND

Plaintiff hereby demands a trial by jury.

1 WHEREFORE, Plaintiff respectfully prays that judgment be entered
2 against the Defendant for the following:
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- 4 A. Declaratory judgment that Defendant's conduct
5 violated the FDCPA;
6 B. Actual damages;
7 C. Statutory damages pursuant to 15 U.S.C. § 1692k;
8 D. Costs and reasonable attorney's fees pursuant to
9 15 U.S.C. § 1692k; and,
10 E. For such other and further relief as may be just and proper.
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13 Respectfully submitted this 18th day of March, 2008.
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16 s/Jon N. Robbins
17 Jon N. Robbins
18 WEISBERG & MEYERS, LLC
19 Attorney for Plaintiff
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